THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12595 of 2004

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings in Roc.No.G1/6712/2004 dated 21.6.2004 of the first respondent directing the second respondent to remove and cancel the electric connection to the premises bearing H.No.2-9-105/1 (new) and 2-8-693/1/A (old) situated at Waddepally village, Hanmakonda mandal, Warangal district as arbitrary and illegal.

In the impugned proceedings dated 21.6.2004, it is stated that;

> "The Municipal authorities have inspected the site and issued a notice to remove the unauthorized construction within one day failing which, the municipal authorities will remove the illegal and unauthorized construction and even after issuance of unauthorized note No.UC-1/TPS/II/04-05, Smt.K.Aruna has neither removed the unauthorized construction nor given any reply to notice. Meanwhile the municipal authorities have removed the unauthorized construction."

It is the contention of the learned counsel for petitioner that before issuing the impugned proceedings, no notice of any kind was issued calling the explanation of the petitioner as to why construction raised by her shall not be removed, except giving one day's notice.

I am of the opinion that the impugned proceedings are arbitrary and illegal and violative of principles of natural justice, since no show cause notice was issued asking the petitioner to remove the structures. The purported notice issued asking the petitioner to remove unauthorized construction within one day, failing which the municipal authorities will remove the same, itself is unconscionable. The issuance of the impugned proceedings is in gross violation of principles of natural justice. Therefore, the impugned proceedings are liable to be set aside and accordingly set

aside and the respondents are directed to issue a fresh notice to the petitioner, if necessary, and decide the matter afresh, as per law. Till such time, the electricity connection given to the subject premises shall not be disconnected.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 18.7.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12595 of 2004

18.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.12595 of 2004

Date: 18th July, 2007

Between:

Kommu Aruna

.. Petitioner

And

The Commissioner,
Municipal Corporation,
Warangal, Warangal district & another.

.. Respondents